

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MIZELL MCMULLIN, #106297	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:08-CV-502-TMH
	)	[WO]
STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On August 13, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. #11) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. #11) of the Magistrate Judge is ADOPTED;
2. Plaintiff's claims against the State of Alabama be DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
3. The State of Alabama be DISMISSED as a party to this complaint; and,
4. This case, with respect to the remaining defendant, be referred back to the Magistrate Judge for appropriate proceedings.

Done this the 11th day of September, 2008.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE